



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

☞ Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

☞ The drafting file for 2013 LRB-2726/4 (For: Rep. Bernier)

has been copied/added to the drafting file for

2013 LRB-3326 (For: Rep. Bernier)

☞ Are These “Companion Bills” ?? ... No



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 10/02/2013 (Per: MGG)

☞ The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2013 DRAFTING REQUEST

Bill

Received: 7/22/2013 Received By: mglass
Wanted: As time permits Same as LRB:
For: Kathleen Bernier (608) 266-9172 By/Representing: Chad Zuleger
May Contact: Drafter: mglass
Subject: Buildings/Safety - bldg stndrds Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Bernier@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption for smoke and carbon monoxide detectors and plumbing requirements

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/9/2013			_____			
/1	mglass 9/12/2013	wjackson 8/13/2013	jfrantze 8/13/2013	_____	sbasford 8/13/2013		
/2	mglass 9/20/2013	wjackson 9/17/2013	phenry 9/17/2013	_____	sbasford 9/17/2013		
/3	mglass	wjackson	jmurphy	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	9/26/2013	9/20/2013	9/20/2013	_____	9/20/2013		
/4		wjackson	jfrantze	_____	lparisi		
		9/27/2013	9/27/2013	_____	9/27/2013		

FE Sent For:

<END>

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/2	mglass 9/20/2013	wjackson 9/17/2013	phenry 9/17/2013	_____	sbasford 9/17/2013		
/3		wjackson	jmurphy	<i>Kmg</i> <i>9/27</i>	srose		

AWJ 9/26 *JA 9/22*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		9/20/2013	9/20/2013	_____	9/20/2013		

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/2		wjackson 9/17/2013	phenry 9/17/2013	_____	sbasford 9/17/2013		

FE Sent For:

13 Wly 9/20 Jim 9/20 JMS 9/20

<END>

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Requester's email: Rep.Bernier@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Exemption for Amish for smoke detector requirement in one and two family dwellings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass 8/9/2013			_____			
/1		wjackson 8/13/2013	jfrantze 8/13/2013	_____	sbasford 8/13/2013		

FE Sent For:

12 WJ 9/17 9/17/13 P/10/13

<END>

2013 DRAFTING REQUEST

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Instructions:

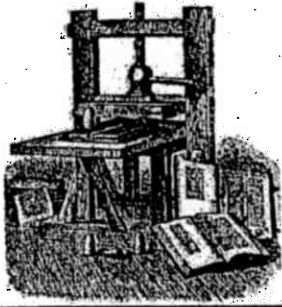
See attached

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/?	mglass	1 wlj 8/13		8/13			

FE Sent For:

<END>



The Eau Claire

Journal

Amish Opposition to Building Codes

Meeting scheduled in Augusta at Unity Bank May 22nd

By Jerry Hanson

Eau Claire County Corporation Counsel, state representatives, and other county officials, will be meeting with several Amish community leaders and members to work out, or convince the Amish to conform to the State building permit process. There seems to be little willingness or flexibility in the County to bend to the Amish religious objections. This disrespect for the Amish and their religious liberty is the unintended consequence of wrong-headed state laws, enacted under the guise of "public safety" at the behest of the elite central planners and special interest and lobbying groups.

Whether one agrees with the Amish objections or not, the State and County are bound by the Constitution of the United States and the Constitution of Wisconsin, which specifically states in Article I Section 18, "The right of every person to worship God according to the dictates of conscience shall never be infringed; ... nor shall any control of, or interference with, the rights of conscience be permitted, ..."

So here we have a State law (a code) that does exactly what the Wisconsin Constitution specifically prohibits. The Amish conscience in this matter is well known and documented. Shame on the legislators for their lack of foresight, and their willingness (whether ignorant or willful) to trample the rights of the people. Is it not a maxim of law, that a law that violates the Constitution is null and void?

Who would blame the Amish if they pulled out of our state? The Amish, like the Christian Pilgrims of our past, came to this country to escape religious persecution. Have we now come full circle? Will our Amish neighbors have to escape Wisconsin to avoid this religious persecution?

These are serious questions.

Those who cherish their Amish neighbors and respect their religious stance on this issue are encouraged to attend and express their support of the Amish at the



meeting in Augusta on May 22nd.

Jerry Hanson is an owner and a writer for the US Journal. Email: jerry@eauclairejournal.com.

Business Becomes Museum to Glorify God

By Jennifer Buhler

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

conv w/ Chad
exempt from dwelling code if no indoor
plumbing or electricity.

Gibson-Glass, Mary

From: Zuleger, Chad
Sent: Monday, July 22, 2013 10:26 AM
To: Gibson-Glass, Mary
Subject: FW: Notes about the Amish
Attachments: Notes about the Amish.docx

Mary,

On our call I referred to a meeting Kathy attended with Amish reps from several counties. Scott Bolstad, a staff member from US Senator Ron Johnson's office, attended on behalf of the Senator as well. Attached are his notes and observations from that meeting.

Chad

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
(608) 266-9172

From: Bolstad, Scott (Ron Johnson) [mailto:Scott_Bolstad@ronjohnson.senate.gov]
Sent: Tuesday, July 09, 2013 1:53 PM
To: Rep.Bernier
Subject: RE: Notes about the Amish

Disregard the previous version. Here is the most recent one:

Scott D. Bolstad
Wisconsin Outreach Director
U.S. Senator Ron Johnson (WI)
P.O. Box 183
Eau Claire, WI 54702
Ph: (202) 368-5170

Click [here](#) to sign-up for Senator Johnson's weekly newsletter

From: Bolstad, Scott (Ron Johnson)
Sent: Tuesday, July 09, 2013 1:45 PM
To: Rep.Bernier@legis.wi.gov
Subject: Notes about the Amish

Representative Bernie, here are the notes I made from yesterday's meeting.

Notes about the Amish

The state enacted a Uniform Dwelling Code (UDC) on 1 June 1980 which standardizes the requirements for erecting buildings in the state. The construction industry would face different building code requirements depending on the municipality, and they asked for some help in standardizing the requirements. Originally the code was enacted for municipalities of 2500 or more and on 18 December 2003 the requirements were broadened to include all municipalities. One of the requirements is a smoke and carbon monoxide detectors are required on the premises. This runs counter to old Amish sects which have declined to use electricity.

At the meeting I had with the Amish on 8 July 2013, there were representatives from communities located in Buffalo, Clark, Eau Claire, Jackson and Wood Counties. There have been minor uniform building code problems in Wood County, but the majority of the problems are in Eau Claire County.

In Eau Claire County there are three towns that do not have town zoning, so the county provides these services. These three towns are where the majority of the Eau Claire County's Amish community lives. This is where the majority of problems occur. In Jackson County for example all towns have zoning authority and these issues are handled at the town level.

State Representative Kathy Bernier was also at the meeting and she said that she contacted the organization of State Legislatures to see what other states are doing. They have no special laws regarding the Amish but they do take the Amish philosophy into account when applying the requirements.

Eau Claire County has been quite aggressive in their enforcement. For a period they did not issue an address and a fire number to structures that did not meet compliance with the UDC. This also caused the mail to not be delivered to these addresses. When I met with members of the Eau Claire County Planning and Development Department on 5 June 2013 I was assured that this problem would be corrected. When I asked at the meeting yesterday, I was told that the problem had not been corrected.

The Amish's main problem has to do with the requirement to have a smoke and carbon monoxide detectors. They have shunned electricity and whether a technology uses a direct link to an electrical source or a battery, electricity is still flowing. This has caused them to be reluctant to obtain a building permit, because they know at the beginning that they will not be in compliance with the smoke detector requirement. In their view to take out a building permit means that they are agreeing to violate their beliefs. Some have suggested that they should install detectors for the purpose of the inspection and then remove it when the inspection is complete. They refuse to do this because that action would require them to forego their beliefs for that period. I am not Amish, nor do I wish to be, but for someone who lives their lives by a strict philosophy, I can understand the reason why they do not wish to do so.

According to the Eau Claire County Planning and Development Department, there are currently eight outstanding cases in the county that relate to the Amish community.

There have been two other causes of concern. Several Amish operate saw mills. The UDC requires that lumber be graded by a certified inspector. I recommended to the community that perhaps they should have one or more members of their community get the certification to grade lumber. The other issue is with trusses. I was told by one of the members that trusses must be premade and individuals cannot manufacture their own.

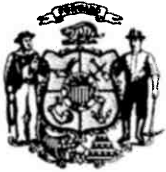
In November 2012, Henry Mast and his family were evicted from the home they were in the process of buying. The previous owner built the house without a permit. The house was locked to include all outbuildings and the well. He and his family have been living with his son since the eviction was made.

A news story about the eviction is here:

http://www.eauclaيرهjournal.com/news/story.phtml/5BB75E99/local/e.c.sheriff_evicts_elderly_amish_couple/archive/

They could easily hire a lawyer and I believe they could win the case, but they do not believe in filing lawsuits. A similar case in New York provides precedent: <http://www.becketfund.org/yoder/>

Representative Bernier and I will follow up with a meeting with the Eau Claire County Planning and Development Department.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-27267-1

MGG:/:....

Wly

RMK

(D-N)

due ~~soon~~
FRIDAY (w 8/9)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Wed noon
8/14

Gen Cat

- 1 AN ACT ...; relating to: exempting certain one- and two-family dwellings from
2 the requirements of having smoke detectors and carbon monoxide detectors.

Analysis by the Legislative Reference Bureau

Current law requires that owners of one- and two-family dwelling^s install smoke detectors and carbon monoxide detectors in those dwellings.

This bill exempts from these requirements a one- or two-family dwelling^s from these requirements if the dwelling is not wired for electrical service.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 101.645 (3m) of the statutes is created to read:
4 101.645 (3m) EXEMPTION. The requirement under sub. (3) that a smoke
5 detector be installed in a dwelling or dwelling unit does not apply to a dwelling or
6 dwelling unit that is not wired for electrical service.

- 7 SECTION 2. 101.647 (3m) of the statutes is created to read:

1 101.647 (3m) EXEMPTION. The requirement under sub. (3) that a carbon
2 monoxide detector be installed in a dwelling or a dwelling unit does not apply to a
3 dwelling or dwelling unit that is not wired for electrical service.

4 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2726/¹dn
MGG:/.....

WJ

Date

1. I did not include a reference to "indoor plumbing" because I think that many Amish homes do have toilets and running water.
2. The exemptions in this draft only cover dwellings that have one or two dwelling units. Please look at the definition of these terms in s. 101.61 (1). If you wish to cover a building where more than two families live, additional drafting will be required. *

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2726/1dn
MGG:wlj:jf

August 13, 2013

1. I did not include a reference to "indoor plumbing" because I think that many Amish homes do have toilets and running water.
2. The exemptions in this draft cover only dwellings that have one or two dwelling units. Please look at the definition of these terms in s. 101.61 (1). If you wish to cover a building where more than two families live, additional drafting will be required.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

Gibson-Glass, Mary

From: Zuleger, Chad
Sent: Monday, September 09, 2013 4:50 PM
To: Gibson-Glass, Mary
Subject: LRB 2726 - Uniform Dwelling Code (UDC) change

Hi Mary,

With regard to your drafting note #1 on LRB 2726:

After speaking with reps from DSPS for clarification, Rep. Bernier would like to add in the exemption to the UDC for 'indoor plumbing' as defined in ss 145.01 (10).

There is such a thing called 'gray water' under the section of what 'plumbing' does not include (found in ss. 145.01 (10) (br) (2g)) that includes water discharged for washing hands/clothes/dishes.

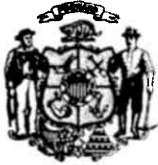
Please feel free to call and discuss if you have any questions or require clarification.

Thanks,

Chad

re plumbing
~~for~~
disposal of gray water - exempt
" " black water - no exempt
toilet fixture - exempt

Chad Zuleger
Office of State Representative Kathy Bernier
68th Assembly District
(608) 266-9172



State of Wisconsin
2013 - 2014 LEGISLATURE

Week of
9/16 to 9/20



RMR

LRB-2726/1 2

MGG-wlj:ff

Q-2

Stays

2013 BILL

Regen

1 AN ACT to create 101.645 (3m) and 101.647 (3m) of the statutes; relating to:

2 exempting certain one- and two-family dwellings from the requirements of

3 having smoke detectors and carbon monoxide detectors

and from
certain requirements
of the plumbing
code

Analysis by the Legislative Reference Bureau

Current law requires that owners of one- and two-family dwellings install smoke detectors and carbon monoxide detectors in those dwellings.

This bill exempts from these requirements a one- or two-family dwelling if the dwelling is not wired for electrical service.

↓
INSERT
ANL

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 101.645 (3m) of the statutes is created to read:

5 101.645 (3m) EXEMPTION. The requirement under sub. (3) that a smoke
6 detector be installed in a dwelling or dwelling unit does not apply to a dwelling or
7 dwelling unit that is not wired for electrical service.

8 SECTION 2. 101.647 (3m) of the statutes is created to read:

BILL

1 101.647 (3m) EXEMPTION. The requirement under sub. (3) that a carbon
2 monoxide detector be installed in a dwelling or dwelling unit does not apply to a
3 dwelling or dwelling unit that is not wired for electrical service.

4

(END)

← INSERT 2-3 ✓

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2726/1ins
MGG:.....

1

2

ANL
Insert 2-3

Current law requires that owners of one- and two-family dwellings (family dwellings) install smoke detectors and carbon monoxide detectors in those dwellings. Current law also requires that owners of family dwellings be in compliance with the plumbing standards under the one- and two-family dwelling code.

This bill exempts family dwellings that are not wired for electrical service from the requirements for smoke and carbon monoxide detectors and from the plumbing standards in the dwelling code except for those standards that regulate the installation of toilets and the disposal of toilet waste.

INSERT 2-3

3

SECTION 1. 101.66 (1) (title) of the statutes is created to read:

4

101.66 (1) (title) COMPLIANCE WITH CODE.

5

SECTION 2. 101.66 (1m) (title) of the statutes is created to read:

6

101.66 (1m) (title) LUMBER REQUIREMENTS.

7

SECTION 3. 101.66 (1r) of the statutes is created to read:

8

101.66 (1r) DWELLINGS WITHOUT ELECTRICITY. A dwelling or dwelling unit that

9

is not wired for electrical service is exempt from all of the following:

10

(a) Complying with the requirement under s. 101.645 (3) that a smoke detector be installed.

11

12

(b) Complying with the requirement under s. 101.647 (3) that a carbon monoxide detector be installed.

13

14

(c) Complying the rules adopted under s. 101.63 (1) that establish standards

15

for plumbing, other than those rules that regulate the installation or use of water

16

closets or the disposal of blackwater, as defined by rule by the department.

17

SECTION 4. 101.66 (2) (title) of the statutes is created to read:

18

101.66 (2) (title) INSPECTIONS.

- 1 **SECTION 5.** 101.66 (3) (title) of the statutes is created to read:
- 2 101.66 (3) (title) **PENALTY.**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2726/1dn
MGG:wlj:jf

stays

Date

Attention: Chad

As we have discussed, this is a very complicated and technical area of the law. I recommend that you have DSPS review the draft to make sure that the agency agrees that draft achieves the intent of this legislation.

the

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

I

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2726/2dn
MGG:wlj:ph

September 17, 2013

Attention: Chad

As we have discussed, this is a very complicated and technical area of the law. I recommend that you have DSPS review the draft to make sure the agency agrees that the draft achieves the intent of this legislation.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Jeff Wiegand

145.02

145.13

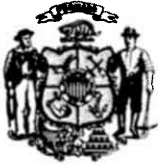
10x ~~80~~ (4)

9/19

for 13 com w/ Jeff (DSPS)

thinks X-ref to both 145.02(2) + 145.13 are
needs

will draft it this way since that is DSPS's
interpretation



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2726/2
MGG/wlj/ph

3 RMA

~~Don~~

Today
please

stays

2013 BILL

Regen

1 AN ~~ACT to create~~ 101.66 (1) (title), 101.66 (1m) (title), 101.66 (1r), 101.66 (2)
2 (title) and 101.66 (3) (title) of the statutes; **relating to:** exempting certain one-
3 and two-family dwellings from the requirements of having smoke detectors
4 and carbon monoxide detectors and from certain ^{standards and rules} requirements of the plumbing
5 ^{relating to plumbing} code.

Analysis by the Legislative Reference Bureau

INS ANL-1

Current law requires that owners of one- and two-family dwellings (family dwellings) install smoke detectors and carbon monoxide detectors in those dwellings. Current law also requires that owners of family dwellings be in compliance with the plumbing standards under the one- and two-family dwelling code.

This bill exempts family dwellings that are not wired for electrical service from the requirements for smoke and carbon monoxide detectors and from the plumbing standards in the dwelling code except for those standards that regulate the installation of toilets and the disposal of toilet waste.

← INS ANL-2

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 101.66 (1) (title) of the statutes is created to read:

BILL

1 101.66 (1) (title) COMPLIANCE WITH CODE.

2 **SECTION 2.** 101.66 (1m) (title) of the statutes is created to read:

3 101.66 (1m) (title) LUMBER REQUIREMENTS.

4 **SECTION 3.** 101.66 (1r) of the statutes is created to read:

5 101.66 (1r) DWELLINGS WITHOUT ELECTRICITY. A dwelling or dwelling unit that
6 is not wired for electrical service is exempt from all of the following:

7 (a) Complying with the requirement under s. 101.645 (3) that a smoke detector
8 be installed.

9 (b) Complying with the requirement under s. 101.647 (3) that a carbon
10 monoxide detector be installed. *to and standards sso 145.02(2), and 145.13*

11 (c) Complying with the *to* rules *adopted* under *s. 101.63 (1)* that *establish*
12 *standards for* plumbing, other than those rules that regulate the installation or use
13 of water closets or the disposal of blackwater, as defined by rule by the department.

14 **SECTION 4.** 101.66 (2) (title) of the statutes is created to read:

15 101.66 (2) (title) INSPECTIONS.

16 **SECTION 5.** 101.66 (3) (title) of the statutes is created to read:

17 101.66 (3) (title) PENALTY.

18

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2726/3ins
MGG:.....

1 **Insert ANL-1**

2 ^(Nc) standards related to plumbing that are promulgated as rules by the
3 Department of Safety and Professional Services ^(DPS)

4 **Insert ANL-2**

5 ^(Nc) The bill also exempt^s these family dwellings from the standards related to
6 plumbing, except for those standards ^{that} regulate the installation of toilets and the
7 disposal of toilet waste.

8

SPS 320 04(1)(c)1

1. The installation of heating, air conditioning, plumbing or electrical systems is not required.
2. If any of the systems under subd. 1. are installed, the systems and their installation shall comply with this code.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

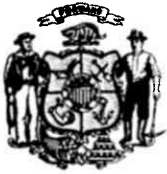
Library (608-266-7040)

Legal (608-266-3561)

LRB

for 14

no electricity → no detectors required
no septic system → exempt from plumbing
code



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2726/3
MGG:wjjm

4 RMR

2013 BILL

as of
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Stays

Regen

1 AN ACT *to create* 101.66 (1) (title), 101.66 (1m) (title), 101.66 (1r), 101.66 (2)
2 (title) and 101.66 (3) (title) of the statutes; **relating to:** exempting certain one-
3 and two-family dwellings from the requirements of having smoke detectors
4 and carbon monoxide detectors and from certain standards and rules relating
5 to plumbing. INSERT ANL

Analysis by the Legislative Reference Bureau

Current law requires that owners of one- and two-family dwellings (family dwellings) install smoke detectors and carbon monoxide detectors in those dwellings. Current law also requires that owners of family dwellings be in compliance with the standards related to plumbing that are promulgated as rules by the Department of Safety and Professional Services.

This bill exempts family dwellings that are not wired for electrical service from the requirements for smoke and carbon monoxide detectors. The bill also exempts ~~these family dwellings from the standards related to plumbing, except for those standards that regulate the installation of toilets and the disposal of toilet waste.~~

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 SECTION 1. 101.66 (1) (title) of the statutes is created to read:

BILL

1 101.66 (1) (title) COMPLIANCE WITH CODE.

2 **SECTION 2.** 101.66 (1m) (title) of the statutes is created to read:

3 101.66 (1m) (title) LUMBER REQUIREMENTS.

4 **SECTION 3.** 101.66 (1r) of the statutes is created to read:

5 101.66 (1r) DWELLINGS WITHOUT ELECTRICITY. A dwelling or dwelling unit that
6 is not wired for electrical service is exempt from all of the following:

7 (a) Complying with the requirement under s. 101.645 (3) that a smoke detector
8 be installed.

9 (b) Complying with the requirement under s. 101.647 (3) that a carbon
10 monoxide detector be installed.

11 (c) Complying with the rules and standards adopted under ss. 101.63 (1),
12 145.02 (2), and 145.13 that relate to plumbing, other than those rules that regulate
13 the installation or use of water closets or the disposal of blackwater, as defined by
14 rule by the department.

15 **SECTION 4.** 101.66 (2) (title) of the statutes is created to read:

16 101.66 (2) (title) INSPECTIONS.

17 **SECTION 5.** 101.66 (3) (title) of the statutes is created to read:

18 101.66 (3) (title) PENALTY.

← INSERT 2-18

19

(END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2726/4ins
MGG:.....

LB:
Please
check extra
spaces.

that are
~~promulgated~~ as rules by the Department
of Safety and Professional Services

1 **Insert ANL**

2 **Not** The bill also exempts these family dwellings from the standards related to
3 plumbing if ~~they~~ *the dwellings* are not served by a publicly owned ~~sewerage~~ *sewer* system or by a private
4 septic system.

5 **Insert 2-18**

6 **SECTION 1.** 101.645 (3m) of the statutes is created to read:

7 101.645 (3m) EXEMPTION. Subsection (3) does not apply to a dwelling or
8 dwelling unit that is not wired for electrical service.

9 **SECTION 2.** 101.647 (3m) of the statutes is created to read:

10 101.647 (3m) EXEMPTION. Subsection (3) does not apply to a dwelling or
11 dwelling unit that is not wired for electrical service.

12 **SECTION 3.** 145.135 of the statutes is created to read:

13 **145.135 Plumbing code and standards; exemption.** A dwelling or
14 dwelling unit, as defined in s. 101.61 (1), ~~is~~ *is* exempt from the rules and standards
15 adopted under ss. 145.02 (2) and 145.13 ~~and~~ *101.63 (1)* ~~and~~ *↓* under s. 101.63 (1) that relate to
16 plumbing ~~if it~~ *the dwelling or dwelling unit* is not served by a publicly owned sewerage system or by a private
17 on-site wastewater treatment system.

STET

Gibson-Glass, Mary

From: Pulda, Matt
Sent: Thursday, September 26, 2013 1:23 PM
To: Gibson-Glass, Mary
Subject: LRB-2698 revisions

Hi, Mary,

Thank you for your work on LRB-2698 so far. We have been sharing it with various stakeholders and discussing additional provisions we would like to include.

With regard to LRB-2698/P1, Representative Larson would like to make the following changes:

Instead of referring to (current) "beginning" electricians as "unlicensed", refer to them as "registered", *but* changes references to registration/registered/etc. to the appropriate variations of "enroll". For example, 101.82(1m) would begin, "Promulgate rules that establish criteria and procedures for the enrollment of registered electricians...."

Jeff Weigand at DSPS told me that the bill will need to include language that grants the Department the authority to enter into reciprocity agreements with other states.

We would also like to remove the delayed effective date and instead have the bill take effect in the usual way.

Moving away from the reciprocity issue, we would like to include these additional provisions:

In 101.862(4)(b), replace "agent" with "employee". I don't know whether "employee" as defined in 101.01(3) encompasses contractors and subcontractors, but if it does, please include language under (b) that *excludes* contractors and subcontractors from "employee" as used there.

Create a new exception under 101.862(4) along these lines: "A person engaged in installing, repairing, or maintaining electrical wiring an existing industrial or manufacturing facility owned or leased by the person or by an entity for which the person is an employee." The same question I have about contractors/subcontractors from (b) applies here as well. With regard to "existing", our intent is to make a distinction between new construction (to which this new exception would not apply, as we want that work to be done by licensed electricians) and electrical wiring installed, maintained, or repaired in a post-construction facility. Our intention is *not* to limit this new exception only to buildings existing on the date this bill takes effect. If you believe our use of "existing" in this context is ambiguous, please let me know.

To support this new exception, we would like to include a definition of "manufacturing facility", either as part of the new exception itself or under 101.01: "Manufacturing facility means any facility located on a parcel of land which is assessed by the Department of Revenue under s. 70.995." As far as the new exception's reference to "industrial" facility goes, the term "industrial facility/ies" is used elsewhere in statutes (26.36 and 234.01(4n)(c)) but is left undefined in both contexts. Our preference is to have that continue to be the case. Let me know if you foresee any issues with that.

Include under 101.82(2m) (or elsewhere, if more appropriate or clear) language to the effect that inspections of work performed under the manufacturing exception created above may not be required before work goes "live" and that any inspections of such facilities be preceded by at least 48 hours notice.

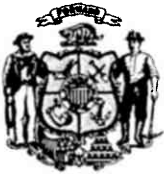
Revise 101.862(4)(g) to read: "A person engaged in installing, repairing, replacing, or maintaining manufactured equipment or utilization equipment, including ballasts, electric signs, and luminaires, or any other manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, replacement, or

maintenance does not involve the modification of branch circuit conductors external to the manufactured or utilization equipment."

Please let me know if you have any questions.

Thanks!

Matt Pulda
Research Assistant/Committee Clerk
Office of State Rep. Tom Larson
Assembly Committee on Family Law
(608) 266-1194



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2726/4
MGG:wljyf

2013 BILL

1 **AN ACT** *to create* 101.645 (3m), 101.647 (3m) and 145.135 of the statutes;
2 **relating to:** exempting certain one- and two-family dwellings from the
3 requirements of having smoke detectors and carbon monoxide detectors and
4 from standards and rules relating to plumbing.

Analysis by the Legislative Reference Bureau

Current law requires that owners of one- and two-family dwellings (family dwellings) install smoke detectors and carbon monoxide detectors in those dwellings. Current law also requires that owners of family dwellings be in compliance with the standards related to plumbing that are promulgated as rules by the Department of Safety and Professional Services.

This bill exempts family dwellings that are not wired for electrical service from the requirements for smoke and carbon monoxide detectors. The bill also exempts these family dwellings from the standards promulgated as rules by the Department of Safety and Professional Services related to plumbing if the dwellings are not served by a publicly owned sewerage system or by a private septic system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 101.645 (3m) of the statutes is created to read:

BILL

101.645 (3m) EXEMPTION. Subsection (3) does not apply to a dwelling or dwelling unit that is not wired for electrical service.

SECTION 2. 101.647 (3m) of the statutes is created to read:

101.647 (3m) EXEMPTION. Subsection (3) does not apply to a dwelling or dwelling unit that is not wired for electrical service.

SECTION 3. 145.135 of the statutes is created to read:

145.135 Plumbing code and standards; exemption. A dwelling or dwelling unit, as defined in s. 101.61 (1), is exempt from the rules and standards adopted under ss. 101.63 (1), 145.02 (2), and 145.13 that relate to plumbing if the dwelling or dwelling unit is not served by a publicly owned sewerage system or by a private on-site wastewater treatment system.

(END)